

2388.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS,
HAMILTON, HURON AND PUTNAM COUNTIES, OHIO.

COLUMBUS, OHIO, September 1, 1921.

*Department of Highways and Public Works, Division of Highways, Columbus,
Ohio.*

2389.

APPROVAL, CONTRACT WITH THE BABCOCK & WILCOX COMPANY
FOR INSTALLATION OF BOILER, SUPERHEATER AND DIAMOND
SOOT BLOWER IN UNIVERSITY POWER HOUSE.

COLUMBUS, OHIO, September 2, 1921.

HON. CARL E. STEEB, *Secretary, Board of Trustees, Ohio State University, Columbus,
Ohio.*

DEAR SIR:—Acknowledgment is made of your letter of August 23, transmitting to this department for approval a contract between your board of trustees and the Babcock & Wilcox Company—a corporation organized under the laws of the state of New Jersey. Said contract calls for the installation in the University power house of a 600 H. P. boiler, including one 600 H. P. superheater and one Diamond soot blower, at an expenditure of \$22,268.00.

Accompanying this contract is a surety bond executed by Massachusetts Bonding and Insurance Company.

You also transmit data to show that the several provisions of the so-called state building commission law have been complied with, including a certificate of the director of finance showing the availability of funds to meet expenditures under said contract.

Finding said contract and bond in proper form, I have this day noted my approval thereon. Am herewith sending said contract and bond, together with all other papers submitted to me in this connection, to the auditor of state for filing.

Respectfully,

JOHN G. PRICE,

Attorney-General.

2390.

BOARD OF EDUCATION (COUNTY)—MAY NOT EMPLOY ASSISTANT
COUNTY SUPERINTENDENT AS ATTENDANCE OFFICER FOR
COUNTY SCHOOL DISTRICT.

A county board of education may not employ an assistant county superintendent as the attendance officer (7769-1 G. C.) for the county school district, as the whole time of the assistant county superintendent is taken up in his work in that position as set forth in section 7706 G. C.

COLUMBUS, OHIO, September 3, 1921.

HON. MARY K. DAVEY, *Prosecuting Attorney, Logan, Ohio.*

DEAR MADAM:—Acknowledgment is made of the receipt of your request for an opinion upon the following question:

"May a county board of education engage an assistant county superintendent to act as an attendance officer for the county? The board in this county is inclined to have the assistant county superintendent or superintendents to perform that service if it is possible under the school laws."

Authority to employ one or more assistant county superintendents, as the county board of education may determine, appears in section 4739 G. C., which reads in part as follows:

"One or more assistant county superintendents, as may be determined by the county board of education, may be elected for the term of not to exceed three years in each county school district by the county board of education on the nomination of the county superintendent. * * *" (109 O. L., 243).

The duties of the assistant county superintendent appear in the following section:

Section 7706. "The county superintendent and each assistant county superintendent shall visit the schools in the county school district, direct and assist teachers in the performance of their duties, and classify and control the promotion of pupils. The county superintendent shall spend not less than one-half of his working time, and *the assistant county superintendents shall spend such portion of their time as the county superintendent may designate in actual class room supervision. Such time as is not spent in actual supervision shall be used for organization and administrative purposes, and in the instruction of teachers.* At the request of the county board of education the county superintendent and the assistant county superintendents shall teach in teachers' training courses which may be organized in the county school district."

The requirement that each county board of education shall employ a county attendance officer appears in section 7769-1, which reads as follows:

"Every county board of education shall employ a county attendance officer, and may employ or appoint such assistants as the board may deem advisable. * * *"

The duties of the attendance officer employed by the county board of education appear in sections 7769-2, 7770, 7771, 7773, 7773-1, 7774, 7777 and 7780, General Code.

A careful examination of the duties of the assistant county superintendent, as appears in 7706 G. C., supra, shows that

"*such time as is not spent in actual supervision shall be used for organization and administrative purposes, and in the instruction of teachers*" in his position as assistant county superintendent. You are therefore advised in response to your inquiry that a county board of education may not employ an assistant county superintendent as the attendance officer (7769-1 G. C.) for the county school district, as the whole time of the assistant county superintendent is fully taken up in his work in that position as set forth in section 7706 G. C.

Respectfully,
JOHN G. PRICE,
Attorney-General.